

House File 608 - Introduced

HOUSE FILE 608
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 379)

(COMPANION TO LSB 2015SV BY
COMMITTEE ON EDUCATION)

A BILL FOR

1 An Act relating to school personnel training, emergency care
2 planning, authorizations for assisting, and limitations of
3 liability concerning students with epilepsy or a seizure
4 disorder.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.13D Seizure action plan and
2 training requirements.

3 1. For the purposes of this section, unless the context
4 otherwise requires:

5 *a. "Individual health plan"* means the confidential, written,
6 preplanned, and ongoing special health service developed for a
7 student who requires such service to be incorporated with the
8 student's educational program.

9 *b. "School nurse"* means a registered nurse holding current
10 licensure recognized by the board of nursing who practices in
11 the school setting to promote and protect the health of the
12 school population by using knowledge from the nursing, social,
13 and public health sciences.

14 *c. "School personnel"* means principals, guidance counselors,
15 teachers, and other relevant employees who have direct contact
16 with and supervise children, including school bus drivers and
17 paraeducators.

18 *d. "Seizure action plan"* means a written set of instructions
19 designed to direct caregivers and staff to intervene in the
20 event of a seizure occurrence and is considered a plan for
21 emergencies as a part of an individual health plan.

22 2. *a.* Starting with the school year beginning July 1,
23 2024, the board of directors of each school district and the
24 authorities in charge of each accredited nonpublic school shall
25 have at least one school employee at each school who has met
26 the training requirements necessary to administer or assist
27 with the self-administration of all of the following:

28 (1) A medication approved by the United States food and
29 drug administration to treat seizure disorder symptoms or
30 a medication approved by the United States food and drug
31 administration as a seizure rescue medication.

32 (2) A manual dose of prescribed electrical stimulation
33 using a vagus nerve stimulator magnet approved by the United
34 States food and drug administration.

35 *b.* The presence of a school nurse employed full-time by

1 a school district or accredited nonpublic school who assumes
2 responsibility for the administration of seizure medications
3 and the administration oversight of vagus nerve stimulation
4 shall fulfill the requirements of paragraph "a". This section
5 shall not be construed to require school personnel, other than
6 a school nurse, to administer a suppository to a student.

7 3. a. On or before December 31, 2025, each public school
8 and each accredited nonpublic school shall provide training to
9 all school personnel on how to recognize the signs and symptoms
10 of seizures and the appropriate steps for seizure first aid.

11 b. Each public school and each accredited nonpublic school
12 shall require school personnel responsible for the supervision
13 or care of students to undergo seizure recognition and first
14 aid training on a biennial basis.

15 4. Any training programs or guidelines adopted by a state
16 agency for the training of school personnel in the health care
17 needs of students diagnosed with a seizure disorder shall be
18 consistent with training programs and guidelines developed
19 by the epilepsy foundation of America or any successor
20 organization.

21 5. This section shall not be construed to limit the
22 authority of a school district, an accredited nonpublic school,
23 or the department of education to require additional seizure
24 disorder training.

25 6. a. Prior to school personnel administering medication
26 prescribed to treat a student's seizure disorder symptoms, a
27 school or accredited nonpublic school shall obtain a signed and
28 dated authorization from the student's parent or guardian that
29 authorizes a person who meets the requirements of subsection 2
30 to administer medication in accordance with the school's policy
31 and procedures.

32 b. Authorizations required pursuant to paragraph "a" shall
33 be effective for the school year in which the authorization is
34 granted and must be renewed each school year.

35 7. Upon the request of a student's parent or guardian,

1 a school district or accredited nonpublic school shall
2 collaborate with the parent or guardian and relevant licensed
3 health care professionals, including the school nurse or
4 education team, in the development of an individual health
5 plan, and a seizure action plan if appropriate, consistent
6 with rules adopted by the state board of education. The
7 individual health plan or seizure action plan shall be based
8 on the student's needs and may include but is not limited
9 to assessment, nursing diagnosis, outcomes, planning,
10 interventions, student goals, and a plan for emergencies to
11 provide direction in managing the student's health needs. The
12 plan shall be updated consistent with timelines for individual
13 health plans and with rules adopted by the state board of
14 education.

15 8. *a.* Each school district and each accredited nonpublic
16 school shall maintain all authorizations pursuant to subsection
17 6, individual health plans, and seizure action plans for
18 enrolled students on file in the office of the school nurse or
19 school administrator.

20 *b.* Each school district and each accredited nonpublic
21 school shall distribute information regarding a student's
22 seizure action plan to any school personnel responsible for the
23 supervision or care of the student.

24 9. The requirements of subsections 6, 7, and 8 shall only
25 apply to a school district or accredited nonpublic school that
26 has either of the following:

27 *a.* An enrolled student with a known diagnosis of epilepsy or
28 seizure disorder.

29 *b.* An enrolled student who is known to currently be taking
30 medication prescribed by a health care provider as that term
31 is defined in section 135.61, and approved by the United
32 States food and drug administration to treat seizure disorder
33 symptoms.

34 10. The state board of education shall adopt rules to
35 establish a seizure education program for the purpose of

1 providing school districts and accredited nonpublic schools an
2 age-appropriate program on seizures and seizure disorders. The
3 seizure education program shall be consistent with guidelines
4 published by the epilepsy foundation of America or any
5 successor organization, and participation in the program shall
6 be optional.

7 11. A school district or accredited nonpublic school, an
8 employee of a school district or accredited nonpublic school,
9 or an agent of a school district or accredited nonpublic
10 school acting in good faith and in compliance with a student's
11 individual health plan and seizure action plan shall not be
12 liable for any claim for injuries or damages arising from
13 actions taken to assist a student with the student's needs
14 related to epilepsy or a seizure disorder.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to school personnel training, emergency
19 care planning, authorizations for assisting, and limitations
20 of liability concerning students with epilepsy or a seizure
21 disorder.

22 The bill creates definitions for "individual health plan",
23 "school nurse", "school personnel", and "seizure action plan".

24 The bill requires by the start of the school year beginning
25 July 1, 2024, for the board of directors of each school
26 district and the authorities in charge of each accredited
27 nonpublic school to have at least one school employee at each
28 school who has met the training requirements necessary to
29 administer or assist with the self-administration of a seizure
30 rescue medication or medication prescribed to treat seizure
31 disorder symptoms and approved by the United States food and
32 drug administration and a manual dose of prescribed electrical
33 stimulation using a vagus nerve stimulator magnet approved by
34 the United States food and drug administration. The presence
35 of a school nurse employed full-time by a school who assumes

1 responsibility for the administration of seizure medications
2 and the administration oversight of vagus nerve stimulation
3 fulfills such requirements. These requirements do not require
4 school personnel, other than a school nurse, to administer a
5 suppository to a student.

6 The bill requires by December 31, 2025, each public school
7 and each accredited nonpublic school to provide training to all
8 school personnel on how to recognize the signs and symptoms of
9 seizures and the appropriate steps for seizure first aid.

10 The bill requires each public school and each accredited
11 nonpublic school to have school personnel responsible for the
12 supervision or care of students to undergo seizure recognition
13 and first aid training on a biennial basis.

14 The bill requires any training programs or guidelines
15 adopted by a state agency for the training of school personnel
16 in the health care needs of students diagnosed with a seizure
17 disorder to be consistent with training programs and guidelines
18 developed by the epilepsy foundation of America or any
19 successor organization.

20 The bill authorizes schools and the department of education
21 to require additional seizure disorder training.

22 The bill requires, prior to school personnel administering
23 medication prescribed to treat a student's seizure disorder
24 symptoms, a school, or accredited nonpublic school to obtain
25 signed and dated authorization from the student's parent or
26 guardian that authorizes a person trained to administer or
27 assist with the self-administration of a medication approved by
28 the United States food and drug administration to treat seizure
29 disorder symptoms and a manual dose of prescribed electrical
30 stimulation using a vagus nerve stimulator magnet approved by
31 the United States food and drug administration in accordance
32 with the school's policy and procedures. Such authorizations
33 are effective for the school year in which the authorization is
34 granted and must be renewed each school year.

35 The bill requires, upon the request of a student's parent or

1 guardian, a school to collaborate with the parent or guardian
2 and relevant licensed health care professionals, including
3 the school nurse or education team, in the development of
4 an individual health plan, and a seizure action plan if
5 appropriate, consistent with rules adopted by the state
6 board of education. The individual health plan or seizure
7 action plan must be based on the student's needs and may
8 include but is not limited to assessment, nursing diagnosis,
9 outcomes, planning, interventions, student goals, and a plan
10 for emergencies to provide direction in managing the student's
11 health needs. The plan must be updated consistent with
12 timelines for individual health plans and with rules adopted by
13 the state board of education.

14 The bill requires each school to maintain all authorizations
15 to allow seizure assistance, individual health plans, and
16 seizure action plans for enrolled students on file in the
17 office of the school nurse or school administrator.

18 The bill requires each school to distribute information
19 regarding a student's seizure action plan to any school
20 personnel responsible for the supervision or care of the
21 student.

22 The bill limits the requirements relating to authorizations,
23 individual health plans, and seizure action plans for students
24 to schools that either have an enrolled student with a known
25 diagnosis of epilepsy or seizure disorder or an enrolled
26 student who is known to currently be taking medication
27 prescribed by a health care provider and approved by the United
28 States food and drug administration to treat seizure disorder
29 symptoms.

30 The bill directs the state board of education to adopt rules
31 to establish a seizure education program for the purpose of
32 providing school districts and accredited nonpublic schools an
33 age-appropriate program on seizures and seizure disorders. The
34 seizure education program shall be consistent with guidelines
35 published by the epilepsy foundation of America or any

1 successor organization, and participation in the program shall
2 be optional.

3 The bill makes a school, a school employee, or an agent of a
4 school acting in good faith and in compliance with a student's
5 individual health plan and seizure action plan immune from
6 liability for any claim for injuries or damages arising from
7 actions taken to assist a student with the student's needs
8 related to epilepsy or a seizure disorder.